



Attorney's Docket No.: 002240P136

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Stuart E. Ralston et al.

Application No: 09/904,705

Filed: July 12, 2001

For: AUGMENTED VISION SYSTEM USING  
WIRELESS COMMUNICATIONS

Examiner: Cherry, Stephen J.

Art Unit: 2863

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Declaration of Michael William Lesyna Under 37 C.F.R. § 1.131**

Michael William Lesyna declares:

1. I am a co-inventor of record in the above-cited Application for U.S. Patent and I understand that claims 1-47 currently stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,452,544 of Hakala et al. (hereafter "the Hakala patent"). I further understand that the effective date of the Hakala patent is May 24, 2001.

2. The invention recited in claims 1-47 of the present Application was conceived in this country and a WTO country prior to the effective date of the Hakala patent.

3. Attached as Exhibit 1 to this declaration is a copy of an email from co-inventor, Stuart Ralston, sent on July 20, 2000, which states, "the virtual controller system is connected wirelessly to a remote Internet hub. This hub provides the controller system with real-time updates of information such as changes to design data or topography data not available at the virtual controller. Data from the hub would be either sent without request or the operator of the virtual controller would have direct access to information on the hub by way of a standard Internet browser UI superimposed over the field of vision. The operator would interact with this UI by using a simple touch pad, such as used on laptop computers, or a Palm-like device". This is the invention recited in claims 1-47 and it was conceived prior to the effective date of the Hakala patent.

3. Attached as Exhibit 2 to this declaration is a letter from Blakely Sokoloff Taylor & Zafman LLP, dated May 8, 2001. The letter presents the first draft of the present patent application to the inventors for review prior to filing. This draft was completed prior to the effective date of the Hakala patent. From that time onward, the inventors reviewed the patent application and various revisions thereto, and the application was ultimately filed on July 12, 2001.

4. I declare under penalty of perjury under the laws of the United States that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that all statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any Patent issuing thereof.

4/28/04

Date

Michael William Lesyna

Michael William Lesyna